

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

MYRA A. LEVOY

NOV 08 2021

PLAINTIFF

VS

RANDY CARNEY, CLERK

BY \_\_\_\_\_ D.C. CAUSE NO.:

2021-21,244

FORZA TRANSPORTATION SERVICES, INC.

AND JUAN H. GUZMAN

DEFENDANTS

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes the Plaintiff, Myra A. Levoy, a person of majority, who files this Complaint against the Defendants, Forza Transportation Services, Inc. and Juan H. Guzman, and shows this honorable court the following:

1.

The Plaintiff, Myra A. Levoy, is a person of majority and domiciled in Pascagoula, Jackson County, State of Mississippi.

2.

The Defendant, Juan H. Guzman, upon information and belief is a person of majority and domiciled in the state of Texas, who may be served with process by the acceptable means under Rule 4 of the Mississippi Rules of Civil Procedure.

3.

The Defendant, Forza Transportation Services, Inc. (hereinafter referred to as "Forza Transportation"), which entity is, upon information and belief, a commercial business actively doing business in the state of Mississippi, who may be served according to the Mississippi Rules of Civil Procedure.

Exhibit A

4.

This cause of action occurred or accrued in Moss Point, Jackson County, Mississippi, and pursuant to the provisions of Miss. Code Ann. §11-11-3, as amended, venue is proper in this Court.

5.

That on or about September 28, 2020, at approximately 5:08 p.m., and at all times hereinafter mentioned, Plaintiff, Myra A. Levoy, was a passenger in a 1986 BMW 3 Series traveling in the right lane westbound on Interstate 10 in Moss Point, Jackson County, Mississippi.

6.

At approximately the same time and place, Defendant, Juan H. Guzman, was operating a 2019 Freightliner, owned by Defendant Forza Transportation, traveling westbound in the left lane on Interstate 10 in Moss Point, Jackson County, Mississippi when the vehicle under his control unlawfully merged into the lane of travel of the vehicle in which Plaintiff was a passenger making contact with the driver's side of the vehicle, causing the subject collision.

7.

Upon information and belief, the aforesaid collision(s) occurred through no fault of the Plaintiff; rather, the collision was caused solely by the fault and negligence of the Defendant, Juan H. Guzman, in the following non-exclusive respects:

- a. In operating a vehicle with reckless disregard for the safety of the Plaintiff and the motoring public in violation of Miss. Code Ann. §63-3-1201, et seq.;
- b. In carelessly driving without due regard to use of the streets and highways in violation of Miss. St. Ann. Sec. 63-3-1213;
- c. In failing to yield the right of way in violation of Miss. Code Ann §63-3-805;
- d. In failing to maintain his lane of travel, in violation of Miss. Code Ann. §63-3-603;

- e. By failing to maintain reasonable and proper control of said vehicle upon a public road;
- f. In operating the vehicle under control in an improper, unsafe, and negligent manner;
- g. By failing to see what should have been seen;
- h. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein in extenso; and
- i. Inattention;
- j. Failure to keep a proper lookout for other traffic;
- k. Violation of applicable local, state and federal highway laws and regulations regarding the operation of motor vehicles;
- l. Any and all other acts of negligence, gross negligence, and fault as will be shown at the trial of this matter.

8.

Upon information and belief, at all material times herein, and at the time of the collision, which is the subject of this lawsuit, Defendant Juan H. Guzman was acting within the course and scope of his employment with Defendant Forza Transportation. Further and/or in the alternative, at the time of the aforesaid collision, Defendant Juan H. Guzman was operating on an errand for, and acting as an agent of Defendant Forza Transportation. As a result of this employment relationship and/or master/servant relationship, Defendant Forza Transportation is vicariously liable for the negligent acts and omissions committed by its employee, Juan H. Guzman, as described herein. Further, Defendant Forza Transportation is independently liable for their negligent hiring, training and supervision of their driver.

9.

That as a result of the aforesaid collision, Plaintiff Myra A. Levoy sustained serious injuries, including but not limited to: right flank pain, chest wall pain, stomach and pubic pain and early contractions from 31 week pregnancy, cervical spine strain/sprain, thoracic spine sprain/strain, lumbar spine sprain/strain, bilateral shoulder sprain/strain, muscle spasms, problems sleeping, and a cervical disc injury requiring surgery.

10.

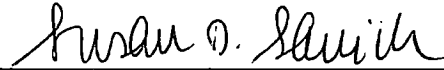
As a result of the aforesaid collision, Plaintiff suffered injuries and losses for which Plaintiff seeks all reasonable past and future damages from the Defendants, including, but not limited to: physical pain and suffering, including loss of enjoyment of life, past and future; medical expenses, past and future; mental anguish and emotional distress, past and future; loss of wages, past and future; and permanent scarring and disfigurement.

11.

WHEREFORE, Plaintiff, Myra A. Levoy, prays that Defendants, Forza Transportation Services, Inc. and Juan H. Guzman, be served with a copy of this Complaint after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that after a trial of this matter, that there be individual judgment rendered herein in favor of Plaintiff and against the Defendants, as alleged, together with legal interest and for all costs of these proceedings including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this Honorable Court shall deem appropriate.

Further, a **TRIAL BY JURY** is requested on all issues raised herein.

RESPECTFULLY SUBMITTED, this 3<sup>rd</sup> day of November, 2021.



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